UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/719,149	03/13/2001	Fabienne Coez	PF980035	5717

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EXAMINER
BARQADLE, YASIN M

ART UNIT	PAPER NUMBER
2153	

DATE MAILED: 04/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

- Claims 1-13 are presented for examination.

Drawings

The drawings are objected to under 37 CFR 1.83(a) because they fail to show `` the numbers in Fig. 1 are not labeled '' as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-13 are rejected under 35 U.S.C. 103(a) as being
unpatentable over Kuftedjian et al U.S. Patent No. (6105057) in
view of Kindell et al U.S. Patent No. (5884028).

As per claim 1, Kuftedjian et al teach a process for managing
priorities of access of communication network (fig. 1), the
process comprising the steps:

of allocating, to each application, a level of priority of
access to the resources of the network (table 1, col. 5), the
said levels comprising at least the following levels:

(a) a first access priority level for an application which
is not under the direct control of a user (batch mode
application) [col. 5, lines 33-36 and col. 8, lines 58-64],

(b) a second access priority level for an application which
can be commanded directly by a user (GUI applications) [col. 5,
lines 33-36 and col. 8, lines 58-64],

preemption by a first application of access to a resource,
which access was obtained previously by a second application, as
a function of the respective access priorities of the first and
second application [col. 7, lines 10-42 and col. 8, lines 58-64].

Although Kuftedjian et al shows substantial features of the
claimed invention, he does not explicitly show authorizing
preemption by first application of access to a resource.

Nonetheless, this feature is well known in the art and would
have been an obvious modification of the system disclosed by
Kuftedjian et al, as evidenced by Kindell et al USPN. (5884028).

In analogous art, Kindell et al whose invention is about a
networked computer system for allocating resources and
prioritizing accesses to files, disclose a resource manager for
authorizing preemption (permitting release of access to
resources) by higher priority thread [Col. 13, lines 39-61].
Giving the teaching of Kindell et al, a person of ordinary skill
in the art would have readily recognized the desirability and
the advantage of modifying Kuftedjian et al by employing the
system of Kindell et al in order to efficiently coordinate the
priorities of accessing data files by clients.

As per claim 2, Kuftedjian et al teach the process according to
claim 1, wherein a resource simultaneously allows accesses by at
least N applications, N being greater than or equal to 1 [fig. 2
and col. 6, lines 5-11].

As per claim 3, Kindell et al teach the process according to
claim 1, wherein the preemption step is preceded by a negotiation
phase during which the first application transmits a message to
the second application asking it to agree to or to refuse to
abandon the access in favor of the first application [Col. 11,
lines 34-59].

As per claim 4, Kindell et al teach the process according to
claim 3, wherein the phase of preemption of an application having
the second priority level by an application having the first

priority level is always precede by a negotiation phase [Col. 13, lines 39-61].

As per claim 5, Kindell et al teach the process according to claim 3, wherein the phase of preemption of an application having the second priority level by an application having the second priority level is always preceded by a negotiation phase [Col. 13, lines 39-61].

As per claim 6, Kindell et al teach the process according to claim 3, wherein there are provided at least three priority levels, the third priority level being higher than the second priority level, the latter being higher than the first priority level, there is a negotiation phase if he priority level of the first application is identical to or lower than the priority level of the second application [Col. 13, lines 39 to col. 14, line 9].

As per claim 7, Kuftedjian et al teach the process according to claim 3, wherein the there is preemption directly without negotiation if the security level of the first application is higher than the security level of the second application [col. 5, lines 65 to col. 6, line 11].

As per claim 8, Kindell et al teach the process according to claim 2, wherein an application making an attempt to reserve access for a resource already reserved by N client applications is place in a queue, standing by for the freeing of the resource by one of the N client applications [col. 14, lines 1-38].

As per claim 9, Kindell et al teach the process according to claim 8, wherein an application is placed on standby in a queue only if this is specified by this application in its access request [col. 14, lines 1-38].

As per claim 10, Kuftedjian et al the process according to claim 1, furthermore including the steps:

of allocating a primary level of rights of access, for a given resource, to and application having requested access to this resource first [col. 5, lines 33-36 and col. 8, lines 58-64),

of allocating a secondary level of rights of access, for other applications reserving the said resources, the rights of access of the secondary level being such that they do not interfere with the rights of access of the primary level [col. 5, lines 33-36 and col. 8, lines 58-64].

As per claim 11, Kindell et al teach the process according to claim 10, wherein, following a command transmitted by an application having a secondary level right of access to a resource, the resource itself determines whether this command

does or does not interfere with the access rights of the primary level [Col. 13, lines 39-61 and col. 19, lines 15-26].

As per claim 12, Kindell et al teach the process according to claim 10, wherein a resource agrees to any command received from the application having a primary level right of access to this resource, even if the execution of the command interferes with the commands previously received from an application having a secondary level of right of access [Col. 13, lines 39 to col. 14, line 9 and col. 19, lines 15-26].

As per claim 13, Kindell et al teach the process according to claim 10, wherein preemption and, as appropriate negotiation, is authorized only so as to force abandonment of and access held by an application having a primary access level [Col. 13, lines 39 to col. 14, line 9].

Conclusion

The prior made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yasin Barqadle whose telephone number is 703-305-5971. The examiner can normally be reached on 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 703-305-4792. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Yasin Barqadle

Art Unit 2153

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